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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Conkling)
)
Appl. No.: 10/729,121)
)
Filed: December 4, 2003)
)
For: MODIFYING NICOTINE AND)
 NITROSAMINE LEVELS IN)
 TOBACCO)
)
Examiner: Dionne A. Walls)

DECLARATION OF DR. YAN LI

I, Yan Li, declare as follows:

1. I am a named co-inventor on two U.S. Patent applications (U.S. Pat. App. Pub. 2003/0118997 and U.S. Pat. App. Pub. 2004/0103454) that the examiner has cited against the above-identified patent application in the office action dated May 28, 2004.

2. This Declaration is submitted to attest to the fact that my contribution to the disclosures of U.S. Pat. App. Pub. 2003/0118997 and U.S. Pat. App. Pub. 2004/0103454 did not include a cured tobacco comprising a genetic modification, a reduced amount of nicotine, and a collective content of N'-nitrosornicotine (NNN), N'-nitrosanatabine (NAT), N'-nitrosoanabasine (NAB), 4-(N-nitrosomethylamino)-1-(3-pyridyl)-1-butanone (NNK) of less than about 0.5 µg/g.

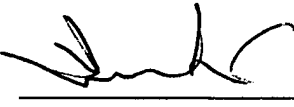
3. Although I conducted significant work with respect to the inventions described in U.S. Pat. App. Pub. 2003/0118997 and U.S. Pat. App. Pub. 2004/0103454, my work was focused on the development of the molecular decoy technique and did not involve experiments relating to the tobacco specific nitrosamine (TSNA) content of the modified tobacco. While working under

Appl. No.: 10/729,121
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the direction of Dr. Conkling, have not performed any experiment that evaluated the amount of TSNA's in genetically modified, reduced nicotine tobacco.

4. I declare that all statements made herein are of my own knowledge, are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1.001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Dated: 9/8/2004

By: 
Yan Li, Ph.D.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-----------|---|--|---|
| Applicant | : | Conkling |) |
| Appl. No. | : | 10/729,121 |) |
| Filed | : | December 4, 2003 |) |
| For | : | MODIFYING NICOTINE AND NITROSAMINE LEVELS IN TOBACCO |) |
| Examiner | : | Dionne A. Walls |) |

DECLARATION OF DR. MARK CONKLING

I, Mark Conkling, declare as follows:

1. I am the named inventor on U.S. Pat. App. 10/729,121 and I am a named co-inventor on two U.S. Patent applications (U.S. Pat. App. Pub. 2003/0118997 and U.S. Pat. App. Pub. 2004/0103454), which the examiner has cited as prior art against the above-identified patent application in an office action dated May 28, 2004.
2. This Declaration is submitted to attest to the fact that I alone contributed any and all information in U.S. Pat. App. Pub. 2003/0118997 and U.S. Pat. App. Pub. 2004/0103454 that relates to genetically modified tobacco having a reduced amount of tobacco specific nitrosamines (TSNAs).
3. Although Dr. Yan Li performed experiments relating to the development of the molecular decoy technology, as disclosed in U.S. Pat. App. Pub. 2003/0118997 and U.S. Pat. App. Pub. 2004/0103454, she was not involved in any experiment or research that assessed the amount of nitrosamine in tobacco.

Appl. No. : 10/729,121
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4. I alone invented a cured tobacco comprising a genetic modification, a reduced amount of nicotine, and a collective content of N'-nitrosornicotine (NNN), N'-nitrosanatabine (NAT), N'-nitrosoanabasine (NAB), 4-(N-nitrosomethylamino)-1-(3-pyridyl)-1-butanone (NNK) of less than about 0.5 µg/g. No other person contributed to this work.

5. I declare that all statements made herein are of my own knowledge, are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1.001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Dated:

August 27, 2004

By:

Mark Conkling
Mark Conkling, Ph.D.

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